



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Scooters, bikes & “shared mobility devices”

AB 1286

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SUMMARY OF THE BILL

E-scooters and bikes have appeared in major California cities often overnight – leaving cities and counties in the dust as they attempt to catch up and create regulations. What results is a patchwork of different laws and regulations.

AB 1286 would enact minimum state protections requiring the following:

1. Minimum insurance in order to protect riders and third parties (mirrored after current San Francisco and Santa Monica regulations)
2. A prohibition on waivers of legal rights
3. A requirement that cities and counties adopt and comply with safety rules

THE WILD WEST

Depending on who you ask, scooters are dangerously invading the streets of cities around the country, or they’re a transportation revolution removing the “last mile” hurdle to using public transit and taking cars off the road.

Scooters provide an eco-friendly, low-cost transportation option, but the lack of uniform consumer protections is problematic. Riders leave the scooters everywhere, creating a mess and tripping hazard. There are public safety concerns, as riders tend to not wear helmets as well as drive and park on sidewalks, creating a hazard for the elderly, children and people with disabilities.

INJURIES

Four scooter riders have died and many riders and pedestrians have suffered injuries. In February, a 21-year-old student died riding a scooter in Austin. In San Diego, a rider was struck by a car and died in December. Two riders died last September after crashes in Dallas and Washington, D.C.

The Journal of the American Medical Association issued a report in January detailing a 2018 study of scooter injuries in two Southern California emergency rooms. The findings were: 249 patients went to the ER for



scooter injuries; 96% were injured as riders, only 5.7% wore helmets; 40% suffered head injuries; 31% had fractures; and 27.7% had contusions.

RIDERS UNKNOWINGLY WAIVE ALL LEGAL RIGHTS

Scooter companies’ rental agreements currently include complicated waivers,

which unconsciously release them from any and all responsibility. The waivers are so long one company’s agreement stretches for 261 cell phone screen pages. These complicated waivers relieve the companies of responsibility for any injuries or deaths, even when it is their fault. For example, toward the end of one company’s agreement is a provision saying the scooter is rented “as is” and the company makes no warranty as to quality or condition of the scooter. The agreements limit their liability to \$100 regardless of the injury or faulty equipment. But, if you do want to recover this \$100, you cannot go to court or join together as a class. The waiver also forces you into private, confidential and secret binding arbitration.

SOLUTION

The solution is common sense: The creation of state minimum requirements. California has been in the forefront of consumer protection with emerging technologies such as our first-in-the-nation insurance requirements for transportation network companies such as Uber and Lyft. We must now lead on shared mobility devices. Scooter companies are already complying with minimum insurance requirements in cities like San Francisco and Santa Monica. AB 1286 would codify these regulations to create a uniform statewide standard, require basic safety standards, and prohibit waivers of rights to protect riders.

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